

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS**

LEXINGTON LUMINANCE LLC

Plaintiff,

v.

GOOGLE, INC.

Defendant.

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No. 1:12-cv-12218-GAO

JURY DEMANDED

JOINT SCHEDULING STATEMENT

Plaintiff Lexington Luminance LLC (“Lexington” or “Plaintiff”), Defendant Google, Inc. (“Google” or “Defendant”), and Intervenor Formosa Epitaxy, Inc. (“Forepi”) have conferred concerning discovery and scheduling matters. The parties hereby submit this Joint Scheduling Statement.

PROPOSED SCHEDULE

1. The parties agree to adopt the pretrial events in the sample Scheduling Order attached as an Appendix to Local Rule 16.6, with the following specific dates.

Event	Plaintiff’s Proposal	Defendant’s Proposal
Status Conference	4/23/15 (Scheduled)	
Plaintiff’s Amended Preliminary Infringement Disclosures. Plaintiff’s Position: Usual and reasonable rules regarding amendment of accused instrumentalities apply. Defendant’s Position: This date establishes the deadline for final identification of accused products and instrumentalities. After this date plaintiff cannot assert any additional accused product or instrumentality absent a	5/27/15 Agreed	

showing of good cause.		
Plaintiff's Position: Deadline for adding parties or to amend the pleadings without leave. Defendant's Position: Deadline for adding parties or to amend the pleadings.	5/27/15 Agreed	
Defendants' Amended Preliminary Invalidity and Non-Infringement Disclosures.	6/24/15	09/15/15
Plaintiff's Rebuttal to Invalidity Disclosures (Defendant's Position) OR No Rebuttal to Invalidity Disclosures (Plaintiff's Position)	N/A	10/15/15
Identification of Claim Terms to be Construed	7/22/15	01/7/16
Exchange of Proposed Constructions	8/5/15	01/14/16
Exchange of claim construction briefs. The briefs shall contain a list of remaining terms construed, the parties' proposed construction of each term, and evidence and argument supporting each construction. Absent leave of court, the briefs shall be limited to 20 pages.	9/9/15	2/16/16
Exchange of claim construction reply briefs. Absent leave of court, reply briefs shall be limited to 15 pages.	10/7/15	03/01/16
Joint Claim Construction and Prehearing Statement	10/21/15	03/15/16
Exchange of Tutorials	7 days before <i>Markman</i>	
<i>Markman</i> (Claim Construction) Hearing	At the Court's convenience	
Amendment/Supplementation of Plaintiff's Infringement Disclosures and Defendant's Invalidity and Non-Infringement Disclosures	30 days after <i>Markman</i> ruling	
Fact Discovery Cut-Off Date	10 weeks after <i>Markman</i> ruling	
Initial Expert Reports Due	14 weeks after <i>Markman</i> ruling	
Rebuttal Expert Reports Due	20 weeks after <i>Markman</i> ruling	
Expert Discovery Cut-Off Date	24 weeks after <i>Markman</i> ruling	

Final Motion Cut-Off Date	30 weeks after <i>Markman</i> ruling
ADR Completion	12 weeks after <i>Markman</i> ruling
Final Pre-Trial Conference	10 days prior to trial
Trial	42 weeks after Markman Ruling

DATED: April 21, 2015

Respectfully submitted,

LEXINGTON LUMINANCE LLC,
By its attorneys,

/s/ Robert D. Katz

David S. Godkin (BBO#196530)
Andrew A. Caffrey III (BBO#660481)
BIRNBAUM & GODKIN LLP
280 Summer Street
Boston, MA 02210
617-307-6100
godkin@birnbaumgodkin.com
caffrey@birnbaumgodkin.com

Robert D. Katz
KATZ PLLC
6060 N. Central Expressway, Suite 560
Dallas, TX 75206
214-865-8000
rkatz@katzlawpllc.com

GOOGLE, INC.,
By its attorneys,

/s/Daniel C. Winston

Daniel C. Winston (BBO #562209)
Matthew S. Barrett (BBO #673882)
CHOATE HALL & STEWART LLP
Two International Place
Boston, MA 02110
Telephone: (617) 248-5000
dwinston@choate.com
swang@choate.com

FORMOSA EPITAXY INC.,

By its attorneys,

/s/ Patricia R. Rich (with permission)

Patricia R. Rich (BBO# 640578)

DUANE MORRIS LLP

100 High Street, Suite 2400

Boston MA 02110

Telephone: (857) 488-4200

Facsimile: (857) 488-4201

prich@duanemorris.com

Jeffrey K. Sherwood

Charles J. Monterio, Jr.

DICKSTEIN SHAPIRO LLP

1825 Eye Street, NW

Washington, DC 20006

Telephone: (202) 420-2200

Facsimile: (202) 420-2201

sherwoodj@dicksteishapiro.com

monterioc@dicksteishapiro.com

CERTIFICATE OF SERVICE

I hereby certify that this document filed through the ECF system will be sent electronically to the registered participants as identified on the Notice of Electronic Filing (NEF) and paper copies will be sent to those indicated as non-registered participants on the above date.

/s/Robert D. Katz
Robert D. Katz